

## **JULY 25 2006 AGENDA REPORTS**

### **Agenda Item No. 4a**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0759

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Paving, Sanitary Sewer, Drainage and Water Improvements in Lillie Addition (south of Maple, west of Maize) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner representing 100% of the improvement districts.

Analysis: The projects will provide paving, sanitary sewer, drainage and water improvements within a commercial development located south of Maple, west of Maize.

Financial Considerations: The Petitions total \$734,000. The funding source is special assessments.

Goal Impact: These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer, drainage and water improvements in a new subdivision. They also address the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

## **Agenda Item No. 6a.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0760

TO: Mayor and City Council Members

SUBJECT: Facility Improvements at Fire Training Grounds  
(All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Contract.

Background: The Fire Training Facility located at 4780 E 31st S., is the primary source of fire safety / rescue training facility in Wichita, which provides a safe controlled environment for fire training for local fire fighters and EMS.

City Council on their March 28, 2006 meeting approved a CIP project, which would provide needed improvements, repairs, and modifications to the facility and authorized staff to select a consultant.

Analysis: On May 12, 2006 Purchasing issued RFP FP600051 for Professional Services for Improvements at the Fire Training Facility. Only one firm responded to the RFP, Gossen Livingston Architecture (GLA).

They propose to provide architectural and engineering services including design, construction documents, and construction administration for the planned improvements/modifications for a single stipulated lump sum fee of one hundred eighteen thousand eight hundred twenty dollars (\$118,820.00).

Since this was a “single source response” and the firm responding is already heavily involved with the fire training facility for the Readiness Center Facility and their proposed fee is within the approved budget a contract was negotiated without the Staff Screening and Selection Committee being convened.

Financial Considerations: Funding for the project is budgeted in the 2006 Capital Improvement Program. The Capital Improvement Program includes \$750,000 for concrete repair, and

\$950,000 for replacing the burn tower for a combined total of \$1.7 million. This funding will cover design, construction, and construction administration of the project. Funding is provided by General Obligation Bonds (Project No. 435419; OCA No. 792487)

Goal Impact: Provide a Safe and Secure Community through more adequate fire training facilities.

Legal Considerations: The Law Department has approved the Contract as to form.

Recommendation/Action: It is recommended that the City Council approve the Contract and authorize the necessary signatures.

Attachment: Contract in PDF File.

## **Agenda Item No. 6b.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0761

TO: Mayor and City Council

SUBJECT: Sewage Treatment Odor Control Trial

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Contract with US Peroxide.

Background: The Sewage Treatment Division currently uses ferrous chloride in the collection system for odor control. In the past, ferrous chloride has been fed to control odors in the transmission line for Plant 1 effluent going to Plant 2. Last year's upgrade of Plant 1 prevented the division from using ferrous chloride without costly modifications. Due to this, alternatives to ferrous chloride are being explored.

Analysis: US Peroxide submitted the attached proposal for ferrous chloride regeneration in the transmission line from Plant 1 to Plant 2. This transmission line has consistently been a source of odors for Plant 2. Regeneration of ferrous chloride would allow Sewage Treatment to attain further use from the chemical, if added upstream of Plant 1 to treat this transmission line. A trial period of one month is proposed to determine whether the use of this product will cost effectively reduce odors at the subject location.

Financial Considerations: There are sufficient funds in the Sewage Treatment Operating Budget for the cost of mobilization and chemical. The cost of the odor control regeneration trial will be \$21,800. The savings of eliminating the Plant 1 ferrous chloride feed site will offset the cost for adding this product.

Goal Impact: The advantages of the US Peroxide odor control product would ensure efficient infrastructure by providing reliable, compliant and secure facilities. Additionally, it would maintain and optimize public facilities and assets.

Legal Considerations: The Law Department has reviewed and approved the Contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the Contract and authorize the necessary signatures.

## Agenda Report No. 6c.

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0762

TO: Mayor and City Council Members

SUBJECT: Construction of Haul Road at Brooks Construction & Demolition (C&D) Landfill – Herzog Environmental, Inc. (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the agreement with Herzog Environmental, Inc. and authorize the necessary signatures.

Background: The Phase 1 disposal site at Brooks C&D Landfill is nearing capacity and Phase 2 is currently in the permitting process. It is anticipated that permitting will be complete and Phase 2 will be available to receive debris by November 1, 2006. However, due to severe spring hail storms, an unusually large number of roofs are being replaced in Wichita and the surrounding area. As a result, Brooks is receiving triple the debris it typically receives and most of the increase is due to the large number of residential shingles.

Analysis: At the current rate, it appears Phase 1 at Brooks will be at capacity by September 2006. If this happens, Brooks will have to close until Phase 2 permitting is complete in November.

The Kansas Department of Health and Environment (KDHE) has approved building a haul road in the Phase 2 area using residential shingles. Diverting these shingles, and using them to construct the haul road, will save remaining airspace and extend the life of Phase 1 operations.

Financial Considerations: Herzog Environmental Inc, the current landfill operations contractor, has provided the City with costs per ton to construct the haul road using only the residential shingles received.

The cost and details are outlined in the agreement and attachment (included). Herzog is prepared to begin this work immediately. The City reserves the right to discontinue this work when it feels diversion of the shingles is no longer necessary. Funds are available in the 2006 Brooks Landfill Post-Closure Budget for this work. The cost of the work outlined in the agreement is not to exceed \$75,000.

Goal Impact: This work will support the Core Area and Neighborhood Goal by continuing to provide affordable C&D waste disposal for the public and City of Wichita cleanup crews. The continued operation of the C&D Landfill is vital to maintain the cleanliness and vitality of the city.

Legal Considerations: The Law Department has approved the agreement with Herzog as to form.

Recommendations/Actions: It is recommended that the City Council approve the agreement and authorize necessary signatures.

Attachments: Agreement and attachment.

## AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Wichita, Kansas, party of the first part and hereinafter referred to as the "City" and Herzog Environmental, Inc., party of the second part and hereinafter referred to as "Herzog".

### WITNESSETH:

WHEREAS, Herzog is presently operating the Brooks Sanitary Landfill ("Landfill") under contract with the City; and

WHEREAS, it is necessary to construct a haul road in connection with the operation of the Landfill; and

WHEREAS, because of spring hail storms the amount of roof debris being received at the Landfill exceeds normal amounts and is straining the capacity of the C & D portion of the Landfill; and

WHEREAS, KDHE has approved the use of residential shingles as a building material in connection with the construction of the haul road; and

WHEREAS, Herzog has agreed to construct the haul road using said shingles.

NOW, THEREFORE, the parties agree as follows:

1. Herzog will immediately commence construction of the haul road as described in Exhibit A which is attached hereto and incorporated herein by reference.
2. Herzog will use all residential shingles brought to the Landfill as material in its construction of such a haul road.
3. Herzog's fee for the construction of such haul road shall be based on the amount of residential shingles received per week over the period of construction. This schedule of fees based on the amount of residential shingles received at the Landfill is set out in Exhibit B which is attached hereto and incorporated herein by reference.
4. Herzog will provide the following equipment and all necessary labor to construct such haul road:
  - a. (1) crawler tractor with dozer
  - b. Crawler fuel and maintenance
  - c. (1) equipment operator (60 hours)
  - d. (2) laborers (112 hours)
5. The total cost of the work outlined will not exceed \$75,000.
6. The City reserves the right to discontinue Herzog's work on the construction of the haul road at any time when it believes that diversion of residential shingles from the C & D Landfill is no longer necessary.

7. The City will pay Herzog for the construction of the haul road upon completion or at such time as the City directs that the work be discontinued.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

CITY OF WICHITA, KANSAS  
Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:  
Gary E. Rebenstorf, Director of Law

HERZOG ENVIRONMENTAL, INC.



## **Agenda Item No. 8**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0763

TO: Mayor and City Council

SUBJECT: Sewage Treatment Plant 1 Modifications – Change Order

INITIATED BY: Water and Sewer Department

AGENDA: Consent

Recommendation: Approve Change Order No. 4 for modifications to Sewage Treatment Plant 1.

Background: Utility Contractors Incorporated was awarded a Contract in the amount of \$3,744,000 for the construction of new structures and the rehabilitation of old structures and equipment at Sewage Treatment Plants 1 and 2. To date, there have been three Change Orders for this project.

Analysis: Change Order No. 3 failed to secure sufficient funds to complete payment for the work. Change Order No 4 will rectify the error that occurred in Change Order No. 3 calculations. The previous Change Order requested a net decrease of \$76,572 be applied to the project. This decrease represented a collection of additive and deductive change requests and a damage settlement between the Wichita Water & Sewer Department and Utility Contractors. Two errors have been identified and are attached to the Change Order as Attachment A.

Financial Considerations: This Change Order is part of Plant 1 Improvements, CIP S-523. The identified errors in this change request result in an addition to the Contract of \$16,359. The revised Contract will be \$4,041,309 which is \$297,309 more than the original Contract. After this addition, changes represent a 7.9 percent increase. The project has been completed and no additional charges are expected.

Goal Impact: Approval of this item will allow the division to achieve the goal of Ensuring Efficient Infrastructure by providing reliable, compliant and secure utilities.

Legal Considerations: Law has reviewed the Change Order and approved it as to form.

Recommendations/Actions: It is recommended that City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order No. 4 with Attachment A

## Attachment A

### Additive

PCM # 32 – Additive \$13,984 – Relocate sludge lines at Macarthur Road crossing. These sludge lines were in conflict with the new structures and had to be relocated in order complete construction. These items were not indicated to be in conflict on the design drawings. They were discovered during excavation to be in conflict.

- Item was listed in the previous Change Order as seen here, but was listed with a figure of \$18,984. The amount used in the calculation of the total Change Order was \$5,000, resulting in a \$13,984 discrepancy.

PCM # 43 – Additive \$2,375.00 – Inlet manhole changes. This manhole was constructed of bricks. After the upgrade it will have pressure on it and the brick construction would not withstand the pressure. It had to be replaced with a solid concrete riser pipe. This type of construction is able to withstand the pressure and submersion.

- Item was listed on the previous Change Order as seen here. The amount shown was omitted from the Change Order calculation resulting in a discrepancy of \$2,375.

The two errors as seen above total to a resulting error of \$16,359.

## **Agenda Item No. 9.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report 06-0770

TO: Mayor and City Council

SUBJECT: Purchase Option (Prairie Villa at Beacon Hill, L.L.C.) (District I)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On April 4, 2006, the Wichita City Council approved the issuance of \$4.7 million in Industrial Revenue Bonds, Series I, 2006. Bond proceeds were used to finance the cost of acquiring, constructing and equipping a senior apartment facility located at 2395 North Beacon Hill Street in northeast Wichita. The Bonds are secured, in part, by a Lease Agreement with Prairie Villa at Beacon Hill, L.L.C. ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The Bonds have matured, and the City received notice from the Tenant of the company's intention to exercise its purchase option on or before August 5, 2006.

Analysis: Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series I, 2006 Bonds matured by their terms on June 1, 2006. The City has received Trustee certification that the Bonds were fully paid on June 1, 2006, and it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Prairie Villa at Beacon Hill, L.L.C. and terminate the IRB lease and Site Lease. The City has already received payment of the \$1,000 purchase option price.

Financial Considerations: The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Legal Considerations: The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement and Site Lease (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Recommendations/Actions: Adopt the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement and Site Lease, and authorize necessary signatures.

**AGENDA ITEM NO. 10.**

CITY OF WICHITA  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0764

TO: Mayor and City Council Members

SUBJECT: Settlement of Claim

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize payment of \$75,975.00 as a full settlement of this claim and all mediation expenses.

Background: This resolves the unresolved issue of the remaining five years of management fee claimed under the original rink development and management contract with Canlan, Inc. This issue was reserved in the severance agreement ending the Canlan's rink management in July, 2005.

Analysis: After evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. At issue was the proper calculation of the remaining fee, given the steadily declining performance. After mediation, the City has been offered an opportunity to resolve the action with a significantly discounted lump sum payment as full settlement of this claim. The settlement proposal is \$75,000.00, and the City's one half share of the mediation costs is \$975.00.

Financial Considerations: Funding for this settlement is from General Fund Reserves.

Goal Impact: This settlement furthers the Quality of Life goal. It allows the City to move forward to seek a better return on its investment in the Wichita Ice Center.

Legal Considerations: The Law Department recommends acceptance of the mediated settlement.

Recommendations/Actions: Authorize payments totaling \$75,975.00 as a full settlement of the matter.

## **Agenda Item No. 11.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0765

TO: Mayor and City Council

SUBJECT: EPA Assistance Amendment

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the U.S. Environmental Protection Agency Assistance Amendment.

Background: On April 1, 2003, the City Council approved a U.S. Environmental Protection Agency (EPA) Special Infrastructure Grant for Sanitary Sewer Rehabilitation Projects. Completed projects include:

1. Canal Route Manhole Reconstruction
2. Reconstruction and/or Rehabilitation of the Sanitary Sewers in the Planeview Subdivision
3. Reconstruction and/or Rehabilitation of the Sanitary Sewers in the Hilltop Subdivision

April 11, 2003, the EPA approved a grant to be used for the replacement of motors at the Hess Pump Station.

Analysis: On July 11, 2006, the EPA amended the grant for inclusion of Water and Wastewater Infrastructure Improvements consisting of:

- Replacement of motors at Hess Pump Station
- Sanitary sewer rehabilitation and replacement
- Drinking water main and service line replacement

Programmatic Condition No. 1 is being revised to reflect the change in scope. The budget and project periods have been extended to allow sufficient time to complete all proposed construction. The Amended budget period is March 17, 2003 – October 31, 2007.

EPA is requesting that the original Agreement Assistance Amendment be signed and returned within three weeks from notification by August 1, 2006.

Financial Considerations: The Grant covers all approved expenses up to and not to exceed 55 percent, or \$1,935,700 of the approved budget. The approved budget for these projects is

\$3,519,455 as described in the original Grant application, dated April 1, 2003. The City's match will be \$1,583,755. Projects will be funded from CIP W-902, Hess Motor Replacements; CIP S-4, Reconstruction of Old Sanitary Sewers; and CIP W-67, Unidentified Mains Replacement.

**Goal Impact:** The EPA Grant will help fund projects to ensure efficient infrastructure by providing reliable, compliant and secure utilities. It will supplement funding for projects that assure adequate water distribution and sanitary sewage collection, and are critical components of the City's infrastructure.

**Legal Considerations:** The Law Department has approved the EPA Assistance Amendment as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the Assistance Amendment and authorize the necessary signatures.

## **Agenda Item No. 12.**

CITY OF WICHITA  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0766

TO: Mayor and City Council Members

SUBJECT: Sale of Surplus Property Located at 202 North Gow (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the sale.

Background: On April 18, 2006, the City Council declared 202 North Gow as a surplus property. The property consists of two typical residential lots. There is a 1954 brick ranch, three bedroom, 1,068 square feet, located on the north lot. The improvements on the south lot have been razed to accommodate the City's Drainage Outfall construction and utility easements. The south lot is no longer a developable tract and would be sold as part of the residential site. The site as a whole is 15,340 square feet and is zoned for Two-Family Use.

Analysis: With the project completed and the surface restored, the lot has been listed for sale on the open market. There were a number of inquires and three offers to purchase were made. The highest offer received is \$70,125.00 (4.57 per sq. ft.). This will be a cash transaction offsetting the acquisition cost of the lot. This amount is reasonable compared to recent sales in the area and other listings of homes for sale.

Financial Considerations: The funds received from this transaction will go to Water and Sewer. The City will no longer have to maintain the property and it will go back onto the tax roll.

Goal Impact: The disposition of this parcel to a private citizen for residential use increases and sustains the neighborhood vibrancy.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council approve the disposition and authorize the necessary signatures.



## **Agenda Item No. 15.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0767

TO: Mayor and City Council

SUBJECT: ZON2005-00058 – Zone change from “TF-3” Two-family Residential to “NO” Neighborhood Office. Generally located west of Oliver Avenue at the northeast corner of Central and Crestway Avenues. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Background: At the June 6, 2006, City Council meeting, the zone change request was unanimously approved.

Analysis: The agenda sheet provided to Council for the June 6, 2006, meeting listed under Legal Considerations:

“Should the City Council approve the request an ordinance will be prepared reflecting the Council’s direction.”

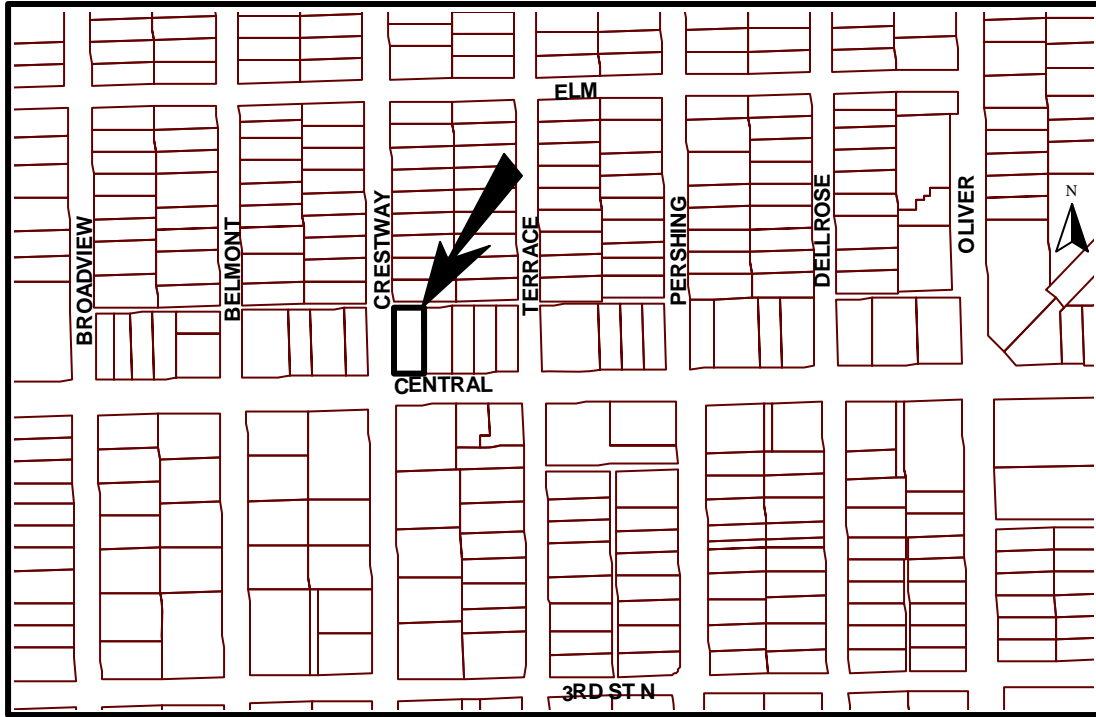
The Council approved the zone change for “NO” Neighborhood Office zoning without any extra provisions of a protective overlay or any other conditions. The ordinance reflects that direction and therefore can be placed on first reading.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: This ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Place the ordinance on first reading and authorize the Mayor to sign.



## **Agenda Item No. 16.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0768

TO: Mayor and City Council Members

SUBJECT: SUB 2005-151 -- Plat of Myers Acres Addition, Located South of MacArthur and East of Ridge Road.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The Planning Commissioner that voted in opposition had concerns regarding approval of the drainage plan.

Background: This unplatted site, consisting of one lot on 6.98 acres, is located within three miles of Wichita's city limits. This site is zoned SF-20, Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for future extension of City water and sanitary sewer services. A Restrictive Covenant was submitted to provide for the creation of a lot owners' association for the ownership and maintenance of the reserves.

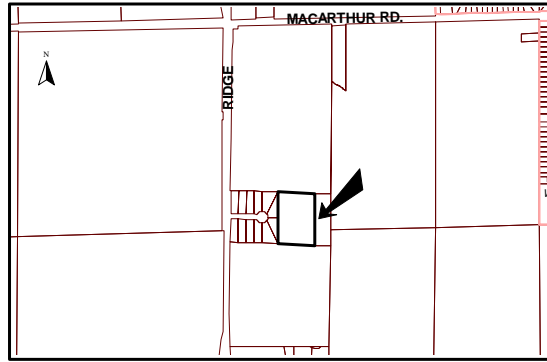
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.



## **Agenda Item No. 17.**

City of Wichita  
City Council Meeting  
July 25, 2006

Agenda Report No. 06-0769

TO: Mayor and City Council Members

SUBJECT: SUB 2006-44 -- Plat of Paradise Acres Addition, Located on the North Side of 31st Street South and East of Greenwich Road.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Background: This unplatted site, consisting of one lot on 5.1 acres, is located within three miles of Wichita's city limits. This site is zoned SF-20, Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for future extension of City water and sanitary sewer services. The site has been approved by County Code Enforcement for the use of on-site sewer facilities.

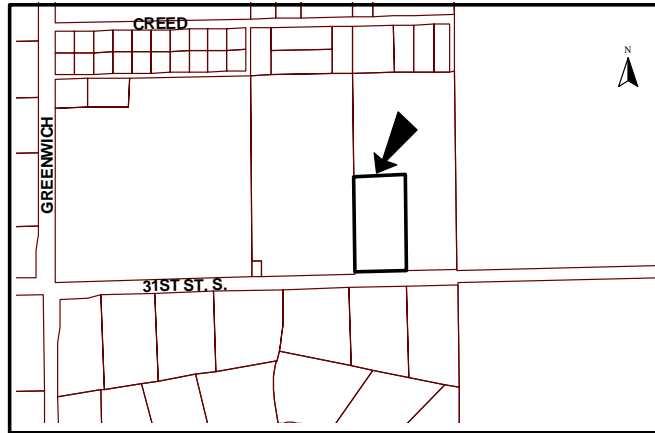
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the document and plat, authorize the necessary signatures and adopt the Resolutions.



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